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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 PHH MORTGAGE SERVICES, a Delaware
corporation, a/k/a PHH MORTGAGE
SERVICES, a New Jersey corporation,

11

12 CASE NO.: 2:10-CV-001626-JCM-(PAL)

13 Plaintiff,

14 vs.

15 WESTERN THRIFT & LOAN, a Nevada
corporation; DOES 1-10; and ROE
CORPORATIONS 1-10; and ROE
CORPORATIONS 1-10, inclusive,

16 Defendants.

17

18 **STIPULATION AND PROTECTIVE
ORDER**

19 WESTERN THRIFT & LOAN, a Nevada
Corporation,

20 Third-Party Plaintiff,

21 vs.

22 GERALD SANDLER, an individual; MIKE
KNIGHT D/B/A THE MORTGAGE GROUP,
a California sole proprietor; WESLEY E.
HAZLETON, JR. D/B/A D&D FINANCIAL
SERVICES; a California sole proprietor; JOE
DOVARRO D/B/A NATION MORTGAGE, a
California sole proprietor; and DOES I-V.

23

24 Third-Party Defendants.

Holland & Hart LLP
5441 Kietzke Lane, Second Floor
Reno, Nevada 89511

1 Plaintiff, PHH Mortgage Services (“PHH”), and Defendant, Western Thrift & Loan
2 (“Western”), by and through their undersigned counsel of record, hereby stipulate and agree to
3 the entry of the following protective order (“Stipulated Protective Order”) regarding the
4 disclosure of certain confidential financial information by Western to PHH. The parties hereby
5 agree and stipulate as follows:

6 1. Within one (1) business day from the date of entry of this Stipulated Protective
7 Order, Western shall provide PHH its audited financial statements through 2011 year end.
8 Western shall further provide PHH with its internal financial statements through October 31,
9 2012. These records are collectively referred to herein as “Financial Records.” Finally, Western
10 shall provide PHH with an Affidavit, signed by an authorized officer or director of Western,
11 which certifies that the Financial Records so provided are true, correct, accurate and complete
12 records, that they provide an accurate representation of Western’s financial condition as of the
13 dates represented therein, that they do not contain any untrue statements or representations of a
14 material fact, and that they do not omit any material statements or facts necessary to make the
15 statements or facts contained therein not misleading.

16 2. Western shall make Jeffrey Shaffer, its Chairman, who is authorized to speak on
17 behalf of Western and who has sufficient knowledge regarding Western’s financial condition,
18 available during business hours at PHH’s reasonable request anytime between November 30,
19 2012 and December 5, 2012, to answer questions regarding the Financial Records. Provided,
20 however, that PHH shall provide prior written notice to Western and its counsel of its intent to
21 question Mr. Shaffer and Western’s counsel shall have the opportunity to attend any such
22 scheduled session. Such session may occur via a conference call set up by PHH in lieu of a
23 personal meeting.

24 3. Counsel for PHH will be provided a single physical copy of the Financial
25 Records, which single copy may be shared by PHH’s counsel with representatives of PHH and
26 may be delivered to PHH either via FedEx to PHH’s representatives or via one facsimile to PHH
27 representatives. Upon receipt of the Financial Records, PHH shall not make any additional
28 copies or convert the Financial Records to electronic form. Each representative of PHH who

1 views the Financial Records shall first read this Stipulation prior to viewing the Financial
2 Records.

3 4. The Financial Records are not to be duplicated or reduced to electronic form and
4 are not to be disseminated to any person except as is set forth in paragraph 3 above.

5 5. On or before December 6, 2013 at 1:30 p.m. (PST), PHH and its counsel will
6 return all copies of the Financial Records to Western unless the parties have reached a settlement
7 of all claims in the litigation, in which case PHH and its counsel may retain the Financial
8 Records. In the event of a settlement between the parties, PHH and its counsel will place the
9 Financial Records in a sealed envelope marked "Confidential," with a copy of this Stipulated
10 Protective Order attached to the sealed envelope.

11 6. If any third party seeks production of the Financial Records, PHH and/or its
12 counsel will immediately advise Western and its counsel of such request to allow Western to
13 take such actions and/or file such motions or pleadings as Western, in its sole discretion and at its
14 sole cost, deems appropriate; provided that it shall not be a violation of this Order for PHH to
15 produce the Financial Records in accordance with any subpoena requesting the Financial
16 Records or as otherwise ordered by any court of competent jurisdiction so long as PHH has
17 provided Western with at least ten (10) days notice of its intent to produce the Financial Records.

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19 Dated: This 3 day of December, 2012.

20 GERRARD, COX & LARSEN

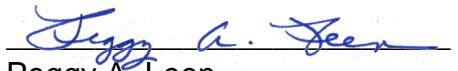
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ORDER

IT IS SO ORDERED this 4th day of December, 2012.


Peggy A. Leen
United States Magistrate Judge